

Message Text

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E.O. 11652: N/A

TAGS: PINS, PINT, SF

SUBJ: DAILY NEWS EDITOR FOUND INNOCENT BUT NEWSPAPER

GUILTY OF PUBLICIZING BANNED RALLY

REF: DURBAN 431, 347

1. DAILY NEWS EDITOR JOHN O'MALLEY ACQUITTED JANUARY 23 OF CHARGE OF CONTRAVENING RIOTOUS ASSEMBLIES ACT BY PUBLICIZING BANNED SEPTEMBER 25, 1974 PRO-FRELIMO RALLY (DURBAN 347). MICHAEL GREEN, SENIOR ASSISTANT EDITOR, FOUND GUILTY; ADMONISHED BY MAGISTRATE AND RELEASED. ARGUS COMPANY, OWNER DAILY NEWS, FINED TEN RAND (FIFTEEN DOLLARS).

2. MAGISTRATE REJECTED STATE CONTENTION THAT DESPITE ABSENCE FROM PAPER ON DAY RALLY ARTICLE PUBLISHED, O'MALLEY SHOULD HAVE TAKEN PRECAUTIONS TO ENSURE LAW NOT BROKEN. COURT ALSO REJECTED DEFENSE ARGUMENT THAT MINISTER JUSTICE'S ORDER BANNING RALLY VAGUE, UNCERTAIN, UNREASONABLE, AND NOT PUBLISHED IN TIME. COURT FOUND, HOWEVER, GREEN'S TECHNICAL GUILT INADVERTENT, MINIMAL AND NOT INTENDED.

3. COMMENT: ACQUITTAL OF O'MALLEY AND LIGHTEST POSSIBLE SLAP
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ON WRIST FOR GREEN AND ARGUS COMPANY SETBACK FOR SAG, WHOSE

DRAMATIC ARREST PROMINENT EDITOR RECEIVED WIDE PUBLICITY.
HOWEVER, SAG HAS NOW LAID FOUNDATION FOR UPCOMING TRIAL OF
SASO/BPC DETAINEES BY ESTABLISHING LEGITIMACY OF MINISTER
JUSTICE'S ORDER BANNING PRO-FRELIMO RALLY AND TIMELY
PUBLICATION OF ORDER IN GOVERNMENT GAZETTE. MOREOVER, IN
SPITE OF LIGHT SENTENCES METED TO GREEN AND ARGUS COMPANY,
FACT THAT GOVERNMENT FORCED DAILY NEWS INTO EXPENSIVE
DEFENSE ON PATENTLY WEAK CASE MAY HAVE DAMPENING EFFECT
ON WILLINGNESS OTHER PAPERS TO PUBLISH NEWS IN FUTURE
WHICH SAG MIGHT FIND OBJECTIONABLE.
HOLMES

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